



IT IS ORDERED

Date Entered on Docket: August 8, 2018

The Honorable David T. Thuma
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY APPELLATE PANEL
OF THE TENTH CIRCUIT

IN RE: FRED DALE VAN WINKLE,

Debtor,

TAMMY SPRAGUE, personal representative
of the estate of Fred Dale Van Winkle,

BAP No. NM-17-031

BAP No. NM-17-032

BAP No. NM-17-033

Plaintiff-Appellee,

v.

Bankr. No. 13-11743

Adv. No 15-01047

JOHN WILLIAMS, ELLEN B. WILLIAMS,
and
BELLEVIEW VALLEY LAND CO. INC.,

Chapter 7

Defendants-Appellants.

ORDER TERMINATING AUTOMATIC STAY

THIS MATTER came on before the Court upon the stipulation of the parties herein.

Tammy Sprague, Personal Representative being represented by Trey Arvizu of Arvizu Law

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Case 13-11743-t7 Doc 99-1 Filed 12/05/19 Entered 12/05/19 09:14:33

Case 20-01022-t Doc 40-5 Filed 03/26/21 Entered 03/26/21 12:20:33 Page 1 of 3

Office, and the Williams, Bellevue Valley Land Co., Inc., represented by their counsel W.T. Martin Jr. of Martin, Dugan, and Martin, and Jennie Deden Behles of B.L.F. LLC to terminate this stay in this matter which was entered on June 30, 2015 docket no. 7, having been entered upon the stipulation of these parties, and the Court having otherwise been fully advised FINDS:

That cause exists, as indicated by counsel to terminate the Stay in the pending state court matters in Otero County¹ and Lincoln County² collectively referred to as the state court litigation in the Motion on grounds as follows:

1. The issues before this Court between the parties which have been determined and are no longer subject to appeal with only such exception as may relate to the requested allowance of attorney's fees claimed by counsel for Sprague following the filing of the Notice of Appeal to the 10th Circuit BAP which is pending before this Court and fully briefed.
2. The parties desire to complete the state court litigation and have a final determination of the rights of the parties vis-à-vis each other therein.
3. The parties have stipulated to the termination of the stipulated order staying the matters, the Stay under 11 USC Section 362 as pertains to the state court case in Otero County, and the state court case Lincoln County referenced; and that the Order of this Court enjoining the parties from any active participation in the state court litigation be and it is hereby terminated and dissolved.

END OF ORDER

Entered July 31, 2018.

Respectfully submitted,

B.I.F., LLC

s/ Electronically filed

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Approved as to form:

s/ Approved Via Email

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By: s/ Jennie Deden Behles
Jennie Deden Behles

¹ State of New Mexico, Twelfth Judicial District Court, County of Otero, Case No. CV-2010-1054

² State of New Mexico , Twelfth Judicial District Court, County of Lincoln, Case No. CV-2015-65.